



MINUTES
REGULAR COMMISSION MEETING
Log Cabin - 640 NE 114th Street
Biscayne Park, FL 33161
Tuesday, November 1, 2016 at 7:00pm

1 Call to Order

Mayor David Coviello called the meeting to order at 7:04pm.

2 Roll Call

Mayor David Coviello - present
Vice Mayor Roxanna Ross - present
Commissioner Bob Anderson - present
Commissioner Fred Jonas - present
Commissioner Barbara Watts - present

Present from staff were:

Village Manager Sharon Ragoonan
Village Clerk Maria C. Camara
Village Attorney John Hearn
Captain Hector Pineda
Finance Manager Claude Charles

3 Pledge of Allegiance

4 Presentations

- The Honorable Mayor Claudia Cubillos of the Village of El Portal presented
- 4.a Commissioner Bob Anderson with the Florida League of Cities recognition of his 20 years of service as an elected official.

City Manager Ana Garcia of the City of North Miami Beach also recognized Commissioner Anderson's service.

Mayor Coviello called a recess at 7:19pm.

The meeting resumed at 7:29pm.

Mayor Coviello recognized the following:

Mayor Richard Ederr: Thanks to Commissioner Anderson, Commissioner Watts and Commissioner Jonas for their service.

Tracy Truppmann: Thanks to Commissioner Anderson and Commissioner Watts for their service.

Dan Samaria: Thanks to Commissioner Anderson, Commissioner Watts and Commissioner Jonas for their service.

Chuck Ross: Also thanks to Janey Anderson.

4.b Chuck Sennet, Anthony Harderer and Howard Premier representing Miami County Day School, reaching out to the Village to renew and build upon the relationship.

4.c Amy Raymond, Public Art Advisory Board provided samples of the mural design at the Ed Burke Recreation Center. There was consensus from the commission to set up a voting/fund raising opportunity to select a design.

5 Additions, Deletions or Withdrawals to the Agenda

Mayor Coviello pulls item 12.a under Old Business and defers it to the January 2017 meeting.

Commissioner Watts adds a discussion on the Solar Energy Choice item on the upcoming ballot, added as item 13.d.

6 Public Comments Related to Agenda Items / Good & Welfare

Erica Pettis: Congratulations to Commissioner Anderson. Thanks also to Commissioner Watts and Commissioner Jonas.

Harvey Bilt: Items on 10.b are confusing, as it relates to the administrative citations. Language regarding trash being put out is not clear. Questions or asking for a hearing are not clear. Amount of the citations is also confusing. Not sure of the administrative costs.

Jorge Marinoni: On swale resolution, well written. Have been to many meetings. Appropriate allowance has been provided. All are reasonable. Should be no complaints. The way it is written is fair. Village always works with the residents. On budget, there was a big stink last year. A lot of finger pointing. Seems we have surplus. Those that did name-calling should apologize. Should wait to see final numbers before screaming.

Chuck Ross: Great job by Manager and Staff on budget amendment and on the driveway ordinance summary. Shows there is a surplus which is great.

Dan Keys: On Resolution 2016-35, septic and sewer, a Pandora's box when it comes to costs. Make sure you know what is being committed. Ripping up roads, repair, etc., is an expensive proposition.

Chester Morris: Congratulations to Commissioner Anderson.

Barbara Kuhl: Thanks to Commissioner Anderson and Commissioner Watts. Appreciates their service. On swales, speaking for a neighbor. Had a ribbon driveway and got a letter. But once the intent of the language was cleared up, they never got a notification that improvements were not necessary. All those people need to be notified.

7 Information / Updates

< None >

8 Consent Agenda

8.a Approval of Minutes

October 13, 2016 Regular Commission Meeting

8.b Acceptance of Board Minutes

Biscayne Park Foundation - September 12, 2016

Planning & Zoning - October 3, 2016

Planning & Zoning - October 17, 2016

Code Compliance Board - October 11, 2016

8.c Resolution 2016-33

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK
AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT RENEWAL FOR THE TURF AND LANDSCAPE MAINTENANCE JOINT PARTICIPATION AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Ross makes a motion to accept the consent agenda and it is seconded by Commissioner Anderson.

All in favor: Mayor Coviello, Vice Mayor Ross, Commissioner Anderson, Commissioner Jonas and Commissioner Watts.

Opposed: None

Motion carries: 5/0

9 Public Hearing

9.a Variance Request - Eric Mainade at 11711 Griffing Blvd Side set back for accessory structure (shed)

Attorney Hearn provided the background, and swore in the petitioners and those who would be speaking on the item. Explained that the petitioner was requesting an extension and the Commission would need to first consider the request and decide if an extension would be granted.

Eric Mainade (petitioner): Requesting an extension as more time is need to resolve an issue and to have attorney present.

Jeffrey Jones and Laura Graves: Asks to deny the request for the extension as this is a hardship for them. Keeping them from starting a construction project on their property.

After discussion, Commissioner Anderson makes a motion to grant the extension and continue the hearing of the variance to date certain January 10, 2017. The motion is seconded by Commissioner Watts.

All in favor: Mayor Coviello, Vice Mayor Ross, Commissioner Anderson, Commissioner Jonas and Commissioner Watts.

Opposed: None

Motion carries: 5/0

10 Ordinances

< First Reading >

10.a Ordinance 2016-09

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, PURSUANT TO SECTION 166.041, FLORIDA STATUTES, **TO AMEND ORDINANCE 2015-07 ADOPTED ON SEPTEMBER 24, 2015, FINALIZING AND ADOPTING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2015-16, BY AMENDING VARIOUS PARTS OF THE BUDGET** CONSISTENT WITH EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title.

Mayor Coviello opened the meeting for public comment and there were none.

Manager Ragoonan provided the background.

Commissioner Anderson makes a motion to approve Ordinance 2016-09 at first reading and it is seconded by Vice Mayor Ross.

Roll call vote:

Vice Mayor Ross: Yes

Commissioner Jonas: Yes

Commissioner Anderson: Yes

Commissioner Watts: No

Mayor Coviello: Yes

Motion carries: 4/1

10.b Ordinance 2016-10

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING SECTION 14.1 OF THE LAND DEVELOPMENT CODE ENTITLED "COMPLIANCE PROCEDURE"**; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title and provided the background.

Mayor Coviello opened the meeting for public comment.

Dan Keys: Use this ticketing sparingly. Issue with cats is a longstanding issue. Makes more sense to go through regular enforcement instead of citation. This is very heavy handed. The description of the ordinance was not good.

Vice Mayor Ross: Asks for a correction of the title to include the violation.

Attorney Hearn confirms the title can be changed for second reading to include: "TO ADDRESS OPEN FEEDING OF MORE THAN FOUR (4) DOGS OR FOUR (4) CATS OR COMBINATION THEREOF IN VIOLATION OF SECTION 3-21 OF THE CODE."

Commissioner Jonas makes a motion to approve Ordinance 2016-10 at first reading and it is seconded by Vice Mayor Ross.

Roll call vote:

Commissioner Anderson: Yes

Commissioner Watts: Yes

Vice Mayor Ross: Yes

Commissioner Jonas: Yes

Mayor Coviello: Yes

Motion carries: 5/0

< Second Reading >

10.c Ordinance 2016-08

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING VARIOUS PROVISIONS IN CHAPTER 5 OF THE LAND DEVELOPMENT CODE ENTITLED "TRANSPORTATION" TO PROVIDE REGULATIONS PERTAINING TO DRIVEWAYS, RIGHTS-OF-WAY, DEFINITIONS AND THE CREATION OF A SPECIAL EXCEPTION PROCESS**; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE

Attorney Hearn read the title.

Manager Ragoonan provided the background and a summary of the proposed changes.

Mayor Coviello opened the meeting for public comment.

Barbara Kuhl: When ordinance first came from the workshop in August 2015, looked ok. Then it changed between first and second reading. Many did not know about the restrictions of parking on the swale. In the list of notifications, in the July newsletter, it did not reference that there would be no parking on the swale. Issue is that three Commissioners decided to eliminate what all residents have used for 40 plus years. Problem is with code enforcement. If rules were followed, it would not be a problem.

Debbie Sanchez: Have gravel swale and driveway. There are many different types of yards. Some cannot accommodate the code. Families will grow. Need to be compassionate.

Dan Keys: On the hold harmless requirement, if you require an approach, then you are telling them you have the right to rip it up. The property owner is saddled with the costs for repair. Other cities deal with this by having minimum standards. Oppose prohibition to not be able to develop the swale. Instead, favor owners to enjoy their property.

Gary Kuhl: Compliments to the Manager for the presentation - should have done this before. Supports code enforcement. We have tools in place to achieve what we desire. This ordinance is not well thought out. Not the way to craft an ordinance. Many flaws and omissions. What is the goal? Chapter 5 has always had the language. It was never enforced. Start with the codes we have. The Village was designed to use swales. As it is, sooner or later, someone will get an attorney and shoot holes in this.

Andrew Olis: Completely agrees with each speaker. In prior meetings of Code Board, it was never brought up to remove ability to park on the swale. Catering to the minority. 119th is an asphalt jungle. The Commission is not here to make a popular decision. Do not agree with provision that if you do not agree with P&Z, you can appeal to Commission. On Commissioner Anderson, met him 12 years ago. Fantastic person and a great friend.

Tracy Truppmann: Have spoken to many residents who thought this was a driveway issue and not a swale issue. Do not legislate from the dais. This is not ready.

Dan Samaria: Agree with Tracy. Move this to the next Commission.

Yordys Coro: Too much, too fast. Especially with swale. Have issue on my property with the septic. Ask to extend this.

After discussion, Vice Mayor Ross makes a motion to approve Ordinance 2016-08 at second reading and it is seconded by Mayor Coviello.

Roll call vote:

Vice Mayor Ross: Yes

Commissioner Watts: No

Commissioner Jonas: No

Commissioner Anderson: No

Mayor Coviello: Yes

Motion fails 2/3

Commissioner Anderson makes a motion to keep the suspension of permits involving development of swales and driveways in place until further discussion. The motion is seconded by Commissioner Watts.

All in favor: Commissioner Anderson and Commissioner Watts
Opposed: Mayor Coviello, Vice Mayor Ross and Commissioner Jonas
Motion fails: 2/3

Commissioner Jonas makes a motion to reconsider for further discussion and it is seconded by Vice Mayor Ross.

All in favor: Mayor Coviello, Vice Mayor Ross and Commissioner Jonas
Opposed: Commissioner Anderson and Commissioner Watts
Motion carries: 3/2

After discussion, Commissioner Anderson makes a motion to suspend enforcement of the current code and determination of the new deadline for compliance until the January 2017 meeting. The motion is seconded by Commissioner Watts.

All in favor: Mayor Coviello, Commissioner Anderson, Commissioner Jonas and Commissioner Watts
Opposed: Vice Mayor Ross
Motion carries: 4/1

11 Resolutions

11.a Resolution 2016-34

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **SUPPORTING GOVERNOR RICK SCOTT'S PROPOSAL TO PROVIDE FUNDING TO ASSIST LOCAL COMMUNITIES WITH CONVERTING FROM SEPTIC TANKS TO SEWER SYSTEMS;** AND URGING THE FLORIDA LEGISLATURE TO PROVIDE STATE FUNDING TO ASSIST LOCAL COMMUNITIES WITH ELIMINATING SEPTIC SYSTEMS AND CONVERTING TO SEWER SYSTEM CONNECTIONS, AS PROPOSED BY THE GOVERNOR; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title.

Vice Mayor Ross provided the background.

After discussion, Commissioner Jonas makes a motion to approve Resolution 2016-34 and it is seconded by Vice Mayor Ross.

All in favor: Mayor Coviello, Vice Mayor Ross, Commissioner Anderson, Commissioner Jonas and Commissioner Watts
Opposed: None
Motion Carries: 5/0

11.b Resolution 2016-35

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **URGING MUNICIPALITIES WITHIN MIAMI- DADE COUNTY TO PARTNER WITH THE COUNTY TO SECURE STATE AND FEDERAL FUNDING TO ASSIST WITH THE ELIMINATION OF SEPTIC SYSTEMS AND CONVERSION TO SEWER SYSTEM CONNECTIONS;** PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title.

Vice Mayor Ross makes a motion to approve Resolution 2016-35 and it is seconded by Commissioner Jonas.

All in favor: Mayor Coviello, Vice Mayor Ross, Commissioner Anderson, Commissioner Jonas and Commissioner Watts

Opposed: None

Motion Carries: 5/0

12 Old Business

12.a Code Review Board - Zoning review and proposed language regarding new builds.

Item pulled earlier and deferred to January 2017.

13 New Business

13.a Discussion of fiscal situation and exploring improved systems of checks and balances.

Commissioner Watts: The Manager has already provided a lot of improvements and information, but looks for additional checks and balances.

After discussion there is consensus for this item to be discussed further by next Commission.

13.b Water quality issues.

Mayor Coviello: Numerous issues reported in regards to water discoloration and smell. Suggest independent testing by the Village, and an assessment of the condition of the infrastructure.

Representatives from the City of North Miami were in attendance to provide information and answer questions.

Materials provided on frequently asked questions on water quality and upcoming chlorination process to be shared on the Village website and available at Village Hall.

12.c Proposed resolution supporting adequate funding for Low Income Home Energy Assistance (LIHEAP).

Vice Mayor Ross provided the background.

Vice Mayor Ross makes a motion to adopt the draft resolution provided and it was seconded by Commissioner Anderson

All in favor: Mayor Coviello, Vice Mayor Ross, Commissioner Anderson, Commissioner Jonas and Commissioner Watts

Opposed: None

13.d Discussion on upcoming ballot question - Amendment 1 - Solar Energy Choice

Commissioner Watts provided the background and looks to adopt the Resolution from the City of South Miami.

Florida statutes provides that a municipality cannot advocate for or go against a measure on the ballot. No action taken.

14 Request for placement of items on next meeting agenda.

< None >

15 Reports

14.a Village Manager:

- Plantings at the Community signage have been completed.

14.b Village Attorney:

- Surplus funds on a foreclosure were obtained in the amount of \$4,000. Thanks the City of Miami Beach for sharing.

14.c Commission:

Mayor Ross: Thanks to colleagues for last 3+ years. Have accomplished a lot. Thanks to Commissioner Anderson for bringing her into the process.

Commissioner Jonas: Appreciates Commissioner Anderson for all the field trips he provided. Accomplished to earn respect of all neighbors.

Commissioner Watts: Thanks to al. Wished she could have been more persuasive. Honored to have served and have made so many friends.

Mayor Coviello: Commissioner Anderson, a true gentleman. Thanks for your dedication. Appreciates Commissioner Watts' passion. Commissioner Jonas, most intellectually honest. To Manager Ragoonan, thank you for your dedication by working late, very much appreciated.

Manager Ragoonan: Acknowledges Chuck Ross for his efforts with Community Safety Day, and to the Biscayne Park Foundation for Oktoberfest.

15 Announcements

Saturday, November 5th - Movie Night in the Park at 6:30pm.

Monday, November 7th - Planning & Zoning at 6:30pm.

Monday, November 7th - Biscayne Park Foundation at 7:00pm.

Tuesday, November 8th - GENERAL ELECTIONS from 7:00am to 7:00pm.

Wednesday, November 9th - Public Art Advisory Board at 6:00pm.
Friday, November 11th - All Village Departments are closed in observance of Veteran's Day.
Saturday, November 12th - Stormwater Master Plan Presentation/Workshop at 10:00am.
Saturday, November 13th - AARP Smart Driver Course at 10:00am.
Monday, November 14th - Code Compliance Board at 7:00pm.
Tuesday, November 15th - Special Commission Meeting at 6:30pm.
Wednesday, November 16th - Parks & Parkway Advisory Board at 7:00pm.
Monday, November 21st - Planning & Zoning Board at 6:30pm.
Thursday & Friday, November 24th and 25th - All Village Departments are closed for Thanksgiving
Monday, December 5th - Planning & Zoning Board at 6:30pm.

Our next regular Commission meeting is Tuesday, December 6, 2016 at 7:00pm, followed by a Commissioner Orientation Workshop at 8:00pm.

17 Adjournment

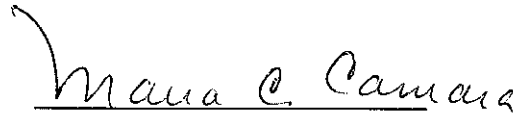
The meeting was adjourned at 10:41pm.

Commission approved on December 6, 2016.

Attest:



David Coviello, Mayor



Maria Camara, Village Clerk